

Remarks/Arguments

This filing responds to the Office Action of 14 April 2005. Claims 1-15 are pending in the application.

By this filing, Applicants have amended Claims 1, 7 and 13, while adding no new matter.

In view of the amendments above and remarks below, Applicants respectfully request reconsideration and further examination.

Applicants' amendments to Claims 1 and 7 further explicate a distinction over the prior art that was noted in the Office Action. That is, Applicants have amended to more clearly identify that the data carrier has a first memory access means for accessing the first storage location, the third storage location, and not the second storage location.

Moreover, in light of positions set forth in the Office Action (see, paragraph 1), Applicants have removed recitation from claims 1 and 7 that was first proposed in responding to the office action of June 29, 2004. That is, Applicants have amended to remove, from the element reciting that the circuit arrangement has access enabling means which enable the first storage location to be accessed only by the first memory access means, the previously proposed recitation that such access is based, at least in part, on the contents of the first storage location (this underlined phrase being deleted in the current amendments). In so amending, Applicants reserve the right to re-introduce that proposed recitation in future prosecution of this case or in any continuing application, including in one or more new or amended independent or dependent claim(s). Applicants also reserve the right to, in future, challenge, argue against and otherwise traverse the Office Action's positions in re the allowability of the subject matter over the prior art based on this proposed recitation (or other distinctions made to date or otherwise), as Applicants are not persuaded of the Office Action's positions.

The Office Action rejected claims 1-12 under on 35 USC 112, for failing to comply with the written description requirement. More specifically, the Office Action took issue with

Page 8 of 12 - RESPONSE TO OFFICE ACTION DATED 14 APRIL 2005
Serial No. 09/621,528

independent claims 1 and 7 in that, as previously amended, these claims recited that the first memory access means accesses the first and second storage locations, but not the third storage location. The Office Action cites specific pages and lines of the claims and of the specification, reflecting the Examiner's diligent review of the application. This effort is greatly appreciated by the Applicants.

Accordingly, as the Office Action appears to suggest and for clarity, Applicants have amended the claims to more closely reflect the text of the example embodiment set forth in the application. As to support for the revisions, Applicants further submit that Figure 1's illustration of connecting lines in an example embodiment of the data carrier shows that (a) first memory access means 18 is for accessing first and third storage locations 22, 24, (b) second memory access means 33 is for accessing second and third storage locations 23, 24, and (c) first memory access means 18 is not for accessing second storage location 23 and second memory access means 33 is not for accessing first storage location 22. Moreover, Applicants submit that, as set forth in the application, including in the claims, the second memory access means can, in addition, access the first storage location 22, that access being via an additional access means and via the first memory access means.

Even though Applicants have so amended claims 1 and 7, Applicants note that the numbering of storage locations is not an absolute and, thus, should not determine the allowability of the claims. To illustrate, the three memory locations could be labeled "A", "B" and "C" with the first memory access means for accessing two of these locations and, of those two locations, the second memory access means for accessing one. The second memory access means would also access the remaining location, i.e., the one location not accessed by the first memory access means.

Applicants submit that claims 1-12, through current amendment of independent claims 1 and 7, are allowable.

Page 9 of 12- RESPONSE TO OFFICE ACTION DATED 14 APRIL 2005
Serial No. 09/621,528

In the Office Action, Claims 13-15 have been rejected under 35 USC §102 (e) as being anticipated by Reiner, et al., US Patent 5,875,450 ("Reiner"). In its paragraph 2, the Office Action also suggests that claims 13- 15 would be allowable if amended to include the limitations of independent claims 1 and 7.

In light of that suggestion, Applicants have amended claim 13. To illustrate, the step of enabling access to the first storage location, as amended, now recites that the location is enabled to be accessed "directly only by the first memory access means" (emphasis added for clarity). To illustrate further, the step of accessing the first storage location after verification, as amended, now recites that the location is accessed "indirectly by a second memory access means via the additional memory access means and via the first memory access means" (emphasis added for clarity).

Applicant also notes that the Office Action takes issue with Applicants' previously submitted amendment and arguments for claims 13-15. Because of the above described amendments, however, Applicants have amended to remove, from claim 13's step of enabling the first storage location to be accessed, the previously proposed recitation that the access be based, at least in part, on the stored data in the first storage location (this underlined phrase being deleted in the current amendment). Applicants reserve the right to re-introduce that proposed recitation later in the prosecution of this case or in any continuing application, in one or more new or amended independent or dependent claim(s). As well, Applicants also reserve the right to, in future, challenge, argue against and otherwise traverse the Office Action's positions, including in re Reiner and its disclosures, as Applicants are not persuaded of the Office Action's positions.

Generally, in this Amendment and Response, Applicants have not attempted to characterize or re-characterize the claimed subject matter or to challenge or in any other way traverse the rejections of the Action. Applicants, however, reserve the right to do so at a later

Page 10 of 12 - RESPONSE TO OFFICE ACTION DATED 14-APRIL-2005
Serial No. 09/621,528

time, e.g., in the event that this case does not proceed to issue with the currently pending claims, or in the context of a continuing application. Therefore, nothing herein should be deemed as a disclaimer of any rights, an acquiescence in any rejection or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application.

[Continued on Page 12]

Page 11 of 12 - RESPONSE TO OFFICE ACTION DATED 14 APRIL 2005
Serial No. 09/621,528

PAGE 14/15 * RCVD AT 8/11/2005 7:36:03 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/0 * DNIS:8729306 * CSID:5032962172 * DURATION (mm:ss):04:18

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CONCLUSION

Applicants submit that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and respectfully request reconsideration and favorable action.

The Commissioner is hereby authorized to charge any fees (including extension fees), additional fees, or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001; provided, however, that such fees, underpayments or overpayments must arise solely in connection with this Amendment and Response. Otherwise, the Commissioner should review and follow any authorization previously given by Applicant to charge certain such fees and credit certain such overpayments to the Applicant's separate Deposit Account (No. 14-1270).

Respectfully submitted,



Michael E. Schmitt
Registration No.
P. O. Box 2200
Hillsboro, Oregon 97123
Telephone: (503) 844-9009
Facsimile: (503) 296-2172
email: mail@ganzlaw.com

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Correspondence to:

Philips Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131 USA
Telephone: (408) 474-9073
Facsimile: (408) 474-9082
USPTO Customer Number: 24738